

PLANNING BOARD MEMBERS  
CHRISTINE LONG, CHAIR  
STEPHANIE MERCANDETTI, VICE CHAIR  
LEWIS COLTEN, CLERK  
THOMAS F. MAHONEY  
VICTOR A. ORTIZ

PLANNING BOARD STAFF:  
AMANDA L. LOOMIS, AICP, PLANNING BOARD ADMINISTRATOR  
ALEXANDER C. MELLO, ASSOCIATE PROGRAM PLANNER  
STEPHANIE D. MARRAZZO, CLERICAL ASSISTANT

**Planning Board Meeting Minutes**  
**Thursday, January 21, 2016**  
**FINAL**

***Planning Board members present on January 21, 2016: Christine Long, Chair, Stephanie Mercandetti, Vice-chair, Lewis Colten, Clerk, Thomas Mahoney, and Victor Ortiz. Also present were Amanda Loomis, Planning Board Administrator, Alexander Mello, Associate Program Planner, and Stephanie Marrazzo, Clerical Assistant.***

***The Planning Board meeting was held in the Ablondi Room of the Memorial Building. Christine Long, Chair, called the Planning Board meeting to order at 7:00 p.m. on Thursday, January 21, 2016 and read the agenda into the record.***

- I. **7:00 PM Public Hearing to consider the applications of BRE DDR Shopper's World, LLC for a Special Permit for Restaurant Use, Special Permit for Indoor Amusement Use, Special Permit for Land Disturbance, a modification to a previously approved Decision For a Special Permit with Site Plan Review Approval dated January 10, 1994, a modification to a previously approved Decision For a Special Permit with Site Plan Review Approval and Special Permit for Off Street Parking Plan Approval dated August 2, 1994, and a modification to a Sign Approval in conjunction with a Special Permit Site Plan Application dated August 10, 1994 to construct an approximately 21,000 square foot bowling facility and a 9,500 square foot restaurant at 19 Flutie Pass.**

Present for the Applicant was Attorney Kathy Garrahan, Bowditch & Dewey, LLP, Jeff Martin, DDR, and Sean Selby, Arrowstreet Architecture & Design.

Attorney Garrahan provided a brief update regarding the changes made to the site plan and supporting documents. Attorney Garrahan stated that all issues with the site plans have been resolved, and revisions to the Kings architecture will be finalized within the next few weeks. Attorney Garrahan updated the Planning Board on the progress of the Project in Natick. The Natick Planning Board requested that the Framingham Planning Board review the crosswalk to ensure pedestrian safety and inter-connectivity within the site, and to review the crosswalk as to whether signage or a textured crosswalk should be installed.

Mr. Martin stated that he understood the Kings architectural design is the largest outstanding item, and requested that the Planning Board provide comments regarding the design. Mr. Martin explained the purpose of the Kings architectural design and the reasons for limited glass. Mr. Martin further stated that he would be working with Mr. Selby and the Planning Board staff to finalize the Kings architectural design.

Christine Long, Chair, asked Amanda Loomis for comment. Ms. Loomis requested that Ms. Long include as part of this discussion the agenda item regarding the Planning Board Rules &

Regulations, Shoppers World Sign Requirements. Ms. Long opened up the discussion to include the agenda item as requested.

Ms. Loomis provided the basis for adding the Shoppers World Sign Requirements into the Planning Board Rules & Regulations. Ms. Loomis presented the Shoppers World Sign Requirements to the Planning Board.

Ms. Long asked for Planning Board member comments:

- Victor Ortiz requested information regarding the AMC Theater, referred to as Building Z and where it fits into the Shoppers World Sign Requirements. Ms. Loomis responded to Mr. Ortiz stating that the AMC Theater was not part of the 1994 Shoppers World Decision. Ms. Loomis further stated that she would review the recent sign approvals for the AMC Theater with the Sign Officer to determine the appropriate sign package for Building Z.
- Thomas Mahoney requested clarification on the location of Kohl's and Pier One building. Ms. Loomis provided clarification.
- Stephanie Mercandetti requested that the figures be re-lettered for easier identification. Ms. Mercandetti further requested that references to temporary signage be relocated into one section. Lastly, Ms. Mercandetti requested that the last section of the Shoppers World Sign Requirements be changed to Exempt Signage.
- Lewis Colten stated that the Project represents a good design and thinks that the Applicant did a good job.
- Ms. Long stated that she appreciated the addition of stone façades to the base of the light posts. Ms. Long stated that she likes the changes applied to the revised Shoppers World Sign Regulations which incorporate many requests that she had made.
- Mr. Mahoney requested that the Applicant provide additional information regarding the crosswalks on Flutie Pass. Mr. Mahoney questioned if the traffic signals would have pedestrian push buttons for safer crossing. Mr. Mahoney further requested that the Applicant review the location of the bus shelter, specifically the location where the bus would stop to pick up and drop off passengers. Mr. Mahoney stated that it appears that the bus stops on top of the crosswalk.
- Ms. Mercandetti commented on the Kings signage package and architectural renderings. Ms. Mercandetti requested that the Applicant review the sign package to ensure all of the colors used for the signs are carried throughout the Kings' sign package. Mr. Martin stated that he would ensure the colors were consistent throughout the Kings' sign package. Ms. Mercandetti further stated that she would like to see the stone that has been utilized in the monument signage utilized in the Kings building. Ms. Mercandetti requested that the Applicant further revise the architectural renderings for the Kings building. Ms. Mercandetti questioned how exempt signs would be reviewed under the new regulations.
- The Planning Board briefly discussed the sidewalks and the crosswalks with the Applicant. Mr. Colten requested clarification regarding the materials used for the construction of the crosswalk. Mr. Mahoney questioned the Applicant about the switch from concrete to asphalt for the construction of the sidewalk. Mr. Mahoney stated that concrete made more sense since it looks better and requires less maintenance. Mr. Selby provided his perspective as a bicyclist, preferring asphalt over concrete. Mr. Colten requested that the Applicant consider the use of solar to power the crosswalk signals.

- The Planning Board reviewed the large scale colored mural pictures on the sides of the Kings building. The Planning Board questioned if these mural pictures were signs. Mr. Selby stated that in his opinion the mural pictures were artwork rather than signage. Mr. Colten requested that the Applicant review the artwork further. Mr. Colten further stated that he felt that the artwork created confusion to the building's appearance.
- Mr. Colten questioned the Applicant regarding the façade overhang and its purpose. Mr. Selby stated that the façade overhang was introduced into the Project to protect patrons from the elements. Mr. Colten stated his concern that the overhang created a busy façade.
- Ms. Long reviewed the Kings architecture with the Applicant's architect. Ms. Long stated that the revised renderings have too many competing colors and materials and finds the architecture to be confusing. Ms. Long further discussed her dislike of the bowling ball mural picture located at the northwest corner of the building. Ms. Long stated her disappointment that her repeated request to remove the "splats" has not been addressed. Ms. Long further stated that she understood why additional glass could not be utilized throughout the areas indicated but suggested that the use of translucent panels as a replacement option. Ms. Long discussed her dislike regarding the use of brick for the exterior façade. Ms. Long stated that she would prefer the use of the same stone material utilized in the monument signs for the façade of the Kings building. Ms. Long recommended that the Applicant review the architecture of the Kings located in Florida as well as the architectural recommendations sent to them earlier by Ms. Loomis and revise the architecture accordingly.

Ms. Long requested that the square footage for the signs within Shoppers World be reviewed. The Planning Board and the Applicant discussed the proposed square footage of the proposed signs for the various sizes of the buildings. The Planning Board, in agreement with the Applicant, revised the proposed square footage as follows:

- The size of primary signs for each store or business at Shoppers World shall not exceed 250 sf for businesses with a gross floor area greater than 20,000sf, 200 sf for businesses with between 15,000 sf to 20,000 sf, and 150 sf for businesses with a gross floor area less than 15,000 sf. Signs shall not be subject to shape or dimensional limits as to height/length/width, but shall be subject to square footage requirements.

Ms. Long asked for public comment. Public comments made by residents include the following:

- A question regarding the height of the stone around the light posts and the height of the walls. The concern was specifically related to lines of sight distance for pedestrians and cars.
- Clarification as to where the bus shelter will be located.
- Concern for safety when dropping off patrons at the bowling alley, requesting further review of the drop-off location.
- Concurred with the Planning Board, expressing dislike for the proposed Kings architectural design.
- Questions related to the Shoppers World Sign Package, specifically related to trademarks, logo, artwork, and signage

Ms. Loomis asked Ms. Long for a recap of open items that still need to be revised or resolved:

- Sign and Shoppers World Sign Requirements

- Sidewalks and crosswalk
- Architectural renderings for Kings
- Bus shelter location

Ms. Long continued the public hearing to Thursday, February 4, 2016 at 7:00 p.m.

**II. 7:00 PM Public Hearing to consider the Jennings Road Management Corp. d/b/a The Herb Chambers Companies for a Special Permit for Use for an automobile dealer, Site Plan Review, and a Public Way Access Permit to construct a mixed use commercial building of approximately 65,162 gross square feet for automotive dealership with accessory repair and wholesale parts storage and distribution and associated site improvements at 71 Bishop Street.**

Present for the Applicant was Attorney Paul Galvani, Galvani Law Offices, P.C., Brian Nelson, MetroWest Engineering, Jim Xaros, Vice President and COO of Herb Chambers Companies, Peter O'Callahan, Director of Construction of Facilities, and Mark Regent, Regent Associates Inc., Edward Clark, Service and Parts Department of Herb Chambers, and Edward Giordano, LSP, EBI

Attorney Galvani provided a brief history of the use of the site and the buildings within the Avery Dennison Complex. Attorney Galvani stated the current status and potential uses of the existing building and of the site in his statement to the Planning Board.

Attorney Galvani provided a brief overview of the revisions made to the site plan since the January 7, 2016 public hearing. Mr. Nelson, the project engineer, highlighted the specific technical changes to the plans including an increase in the amount of landscaping from 7.5 percent to 15 percent, the addition of a sidewalk on the Clark Street side of building, and the decrease of 49 parking spaces.

Mr. Regent, the Project architect, presented the changes to the architecture of the proposed building stating that the façade had been redesigned to include more glass with the addition of landscaping around the building.

Mr. Clark provided information regarding oil spills and standard operating procedures relative to the operations of the collision center. Mr. Giordano, Licensed Site Professional (LSP) for the applicant, presented his findings relative to the Restrictive Covenant, and the AUL.

Christine Long, Chair, asked Amanda Loomis for comment. Ms. Loomis stated that the Applicant has a copy of staff reports, department comment letters, in addition to Planning Board comments. Ms. Loomis further stated that revised plans had not yet been submitted for review. Therefore, her comments were limited at this time.

Ms. Long asked for Planning Board member comments:

- Thomas Mahoney asked for additional information from Mr. Giordano regarding the condition of the existing asphalt and what will occur if the asphalt is removed. Mr. Giordano responded to Mr. Mahoney providing specific details regarding the removal process.
- Stephanie Mercandetti questioned the Applicant about the existing contamination, whether the contamination was properly capped, and if the contamination was from a specific spill in a concentrated area or more wide spread. Mr. Giordano explained that the contaminants are PAH compounds, heavy metals, and some petroleum hydrocarbons, which were spread throughout the site within the fill. Ms. Mercandetti further requested that Mr. Giordano elaborate on the types of commercial uses allowed on the site. Mr. Giordano explained that the site can be used for both commercial and industrial uses, but that the site could not be used for

schools, daycares, or any residential type of uses. Mr. Giordano explained that the Department of Environmental Protection (DEP) checks 21E sites every 5 years for compliance. If the site is not in compliance the DEP then requires immediate repairs to resolve the deficiencies. Mr. Giordano stated that in his opinion the asphalt is not in compliance throughout the site. Therefore, replacement of the asphalt would be very beneficial. Ms. Mercandetti questioned as to whether there is periodic soil testing of the contamination area. Mr. Giordano said that there is no periodic soil testing that is required.

Ms. Mercandetti questioned Mr. Clark about the quantity of the waste material stored on-site and wanted to know how often the containers were picked up. Mr. Clark stated that the site will contain a 500 gallon containment barrel that would be double walled and picked-up once per month.

- Mr. Mahoney mentioned that he is pleased with the increase in landscaping. Mr. Mahoney requested a detailed open space plan.
- Victor Ortiz asked if oil filters would be crushed. Mr. Ortiz further questioned if Herb Chambers planned on burning the oil to heat the building. Mr. Clark responded no to both questions.
- Ms. Long provided a list of appropriate uses for the site, in accordance with the Zoning By-Law. These uses include: Research & Development, wholesale businesses, bottling works, processing and manufacturing, stone and monument work, printing and press, delivery services, storage and distribution, entertainment facility, artisans, and other retail use. Ms. Long further stated that the economy, both domestically and internationally, is still recovering from the major economic downturn and resultant depression that began in 2008 and therefore is not surprised that the building has been empty for as long as it has. She noted that this Company had come before the Planning Board for a similar project at 100 Clinton Street a few years earlier but for some reason was withdrawn.

Ms. Long questioned Attorney Galvani's statement regarding the proposed investment by Herb Chambers. Ms. Long highlighted the change in the Applicant's development cost. The application provided by the applicant states that the Project would cost \$5M. However, tonight a statement was made that the Project is now valued at \$10m.

Ms. Long concluded her comments by requiring the Project to comply with the 20 percent landscaping requirement.

- Lewis Colten stated that he believes that Herb Chambers represents a good corporate neighbor, which is what the Town is looking for. However, he further stated that there has been a recent movement to change the Southside of Town by trying to cap the number of auto related businesses. Mr. Colten further stated that he liked the project, but did not approve of the location. Mr. Colten does not want this part of the Town to become known as "auto city."
- Ms. Long stated that she conducted a review of the auto related businesses in the area stating that she found 11 auto related businesses within close proximity of the proposed project. Ms. Long asked if the applicant was in receipt of the Economic Development staff report and read it into the record.
- Ms. Mercandetti requested clarification from Mr. Nelson regarding the deficient 5 percent open space landscape requirement. Ms. Mercandetti questioned if the removal of the extra 5 parking spaces would increase the open space landscape area. Mr. Nelson replied that the removal of the 5 parking spaces would not have much of an impact on the open space landscape area.

Ms. Long asked for public comment. Public comments made by residents include the following:

- Statements of opposition for the Project
- Statements of concern regarding the environmental impacts and how residents would like to see the site properly cleaned
- Statements regarding the disapproval of the architecture
- Multiple questions as to why Herb Chambers wants to relocate to Framingham from Ashland
- Inquiry as to how many repair bays and their relationship to the design of the building
- Request for the breakdown of the area of each use within the building.
- Questions as to the need for additional parking spaces
- Expressed concern over the increase in traffic related to the Project
- Inquiry and concerns as to how this Project fits in with the Downtown revitalization plan
- Expressed discouragement that the applicant feel that the residents should be grateful for this Project since they think that no one else would want to locate here. Further discouragement that the applicant shows a lack of understanding for the concerns expressed.
- Statement that the Planning Board is working to comply with the mission of the Master Plan and the revitalization of the Southside
- A statement regarding the difficulty leasing this building. Further, statements that the use will help better the neighborhood.

Ms. Long read an excerpt from the Master Land Use Plan regarding types of projects outlined in the plan for this area. Ms. Long further mentioned that the Planning Board is looking at ways to change the business composition of downtown. Ms. Long stated her belief that the use is not compatible with the location.

Ms. Long asked the Planning Board as to whether a traffic peer review was needed for this project. The Planning Board concurred that a traffic consultant was necessary and directed Ms. Loomis to contract a traffic peer review.

Mr. Ortiz requested a follow-up regarding the number of handicap parking spaces, which he brought up during the January 7, 2016 public hearing. Mr. Ortiz stated that the plan shows only 4 handicap parking spaces. Ms. Loomis stated that Mr. Ortiz is correct in that the plan only shows 4 handicap parking spaces, and that the Disabilities Commissioner required 6 handicap parking spaces during the Technical Review meeting. Mr. Nelson stated that the plan will now include 7 handicap parking spaces.

Ms. Long stated that the tandem parking requires a special permit, which the applicant has not submitted. Attorney Galvani disagreed with this requirement. The Planning Board discussed this requirement with Ms. Loomis and asked that she follow up on the determination.

Ms. Long continued the public hearing to Thursday, February 18, 2016 at 7:00 p.m.

**III. 7:00 PM Public Hearing to consider amending the Framingham Zoning By-Law and Framingham Zoning Map at the February 23, 2016 Winter Special Town Meeting as follows:**

- **Article: Amend the Framingham Zoning By-law related to the establishment a Corporate Mixed-use By-Law** To see if Town Meeting will vote to amend the Framingham Zoning By-Law by adding two new sections, Section II.A.9.a Corporate Mixed-use District I (CMU I) and II.A.9.b. Corporate Mixed-use District II (CMU II); amend the Table of Uses related to include the new CMU I and the CMU II Districts in Section II.B, add a new Section II.J Corporate

Mixed-use District, and amend the Dimensional Regulations by adding the new CMU I and CMU II into Section IV.E.

- **Article: Amend the Framingham Zoning Map – establish a new Corporate Mixed-use I and Corporate Mixed-use II Zoning District** to see if Town Meeting will vote to amend the Framingham Zoning Map by creating a new Corporate Mixed-use I and Corporate Mixed-use II Zoning District.

Christine Long, Chair, read the legal ad into the record. Ms. Long asked Amanda Loomis for an overview of the Corporate Mixed-use (CMU) Article. Ms. Loomis presented a series of maps to orient the Planning Board with the proposed CMU locations, and to further show the progression of the By-Law related to the area. Ms. Loomis then provided a brief overview of the CMU I and CMU II. Ms. Loomis provided an explanation for the two zoning districts, and the intention of each zoning district to provide more cohesive zoning. Ms. Loomis provided an overview of the dimensional requirements, and further discussed the impacts that the Transfer of Development Rights (TDR) By-Law would have on the area.

Ms. Long asked for Planning Board member comments. The Planning Board provided comments related to the proposed CMU zoning language and the amendments to the Zoning Map. The Planning Board further requested that Ms. Loomis look into higher densities and height, and further requesting that the area be designed as master planned community that utilizes smart growth initiatives.

Ms. Long asked for public comment:

- Stephen Shull, Chair of the Standing Committee on Planning and Zoning provided a brief history of his committee's review of the CMU Article. Mr. Shull stated that the Standing Committee on Planning and Zoning (SCPZ) voted 9-0-0 to recommend that the Planning Board withdraw the CMU Article at this time. Mr. Shull further stated that the SCPZ was not opposed to the CMU Article but felt that it needed more time for review. Lastly, Mr. Shull requested responses to several questions from the SCPZ.
- One resident requested the total area of the CMU I and CMU II.
- There were further questions as to the July meetings and the process working with the community.

Ms. Loomis responded to the questions presented by the public specifically highlighting information regarding fire safety, the number of school age children, and the respective land area for the CMU I and CMU II, in addition to information related to the 60 percent and 45 percent lot coverage.

Ms. Long continued the public hearing to Thursday, February 4, 2016 at 7:00p.m.

***Ms. Mercandetti moved that the Planning Board suspend its Rules and Regulations for the purpose of conducting business after 10:00 p.m. Mr. Mahoney seconded the motion. The Planning Board voted in favor of the motion 5-0-0. MOTION PASSED.***

**IV. 7:00 PM to consider amending the Framingham Zoning By-Law at the February 23, 2016 Winter Special Town Meeting as follows:**

- **Article: Amend the Framingham Zoning By-law related to the Modification of an approved permit and plan** to see if Town Meeting will vote to amend the Framingham Zoning By-Law by deleting Section II.I.7 and adding two new Sections, Section VI.E.6 Modification to an

approved Special Permit and Section VI.F.9 Modification to an approved Site Plan Review Permit.

Christine Long, Chair, read the legal ad into the record. Ms. Long asked Amanda Loomis for a brief overview of the Winter Special Town Meeting Article. Ms. Loomis provided the Planning Board with the basis for this amendment to the Zoning By-Law. Ms. Loomis further reviewed the proposed Article language with the Planning Board.

The Planning Board briefly discussed the proposed Article, requesting further review of the language and the location within the Zoning By-Law.

Ms. Long asked for Public Comment.

Stephen Shull, Chair of the Standing Committee on Planning and Zoning, provided an overview and basis for the request of this language by the Standing Committee on Planning and Zoning (SCPZ). Mr. Shull further stated that SPCZ voted 9-1-1 in support of the proposed amendments at their meeting held on January 6, 2016.

Ms. Long continued the public hearing to Thursday, February 4, 2016 at 7:00p.m.

#### **V. Any Other Business**

- **Request for Occupancy – 95 Eames Street**

Ms. Loomis provided a brief history and status of the project located at 95 Eames Street. Ms. Loomis stated that there are several items that need to be provided by the Applicant prior to sign-off. Ms. Loomis requested that the Planning Board grant her the authority to sign-off on the occupancy permit once the missing items have been provided by the Applicant. Ms. Loomis further stated that during the conformance review staff ensured that the Project only contained one spray booth as permitted in the approved Decision.

***Stephanie Mercandetti moved that the Planning Board grant the administrator the ability to sign-off on occupancy for the project located at 95 Eames Street. Lewis Colten seconded the motion. The Planning Board voted in favor of the motion 5-0-0. MOTION PASSED***

- **Request for Occupancy – 517 Concord Street**

Ms. Loomis provided a brief history and status of the Project located at 517 Concord Street. Ms. Loomis stated that the Applicant has requested final occupancy from the Building Department. Ms. Loomis stated that the only outstanding item for this Project was the landscaping. Ms. Loomis provided options for the Planning Board to consider regarding landscape performance bonds. Christine Long, Chair, stated that the Applicant should provide a bond to ensure completion of the landscaping. The Planning Board discussed the appropriate amount for the landscape performance bond. After a brief discussion the Planning Board requested that the applicant provide a landscape performance bond in the amount of \$5,000.00.

***Thomas Mahoney moved that the Planning Board allow the Administrator approval to sign-off on the final occupancy permit, provided that the Applicant provides a \$5,000.00 landscape performance bond. Stephanie Mercandetti seconded the motion. The Planning Board voted in favor of the motion 5-0-0. MOTION PASSED***



VI. Approval of Minutes for the January 14, 2016 Planning Board Meeting

*Christine Long, Chair, asked for any revisions to the minutes of January 14, 2016. Hearing none, Ms. Long stated that the Planning Board meeting minutes of January 14, 2016 are approved as presented.*

VII. Administrator's Report

There was no Administrators Report.

VIII. Member Reports

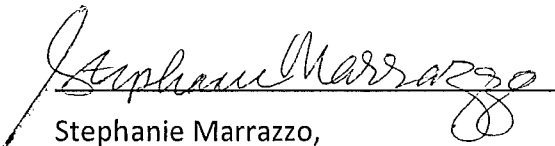
- Lewis Colten stated that the MetroWest Regional Collaborative (MWRC) has been meeting frequently to address several issues and to make adjustments accordingly.
- Christine Long, Chair, mentioned that the Planning Board has been invited by the Town Manager to attend the Board of Selectman Meeting on Tuesday, February 2, 2016, to discuss The Villages – Saxonville project. She asked Planning Board members to mark their calendars accordingly.

IX. Adjournment

*Stephanie Mercandetti moved that the Planning Board adjourn. Thomas Mahoney seconded the motion. The Planning Board voted in favor of the motion 5-0-0. MOTION PASSED*

*The meeting was adjourned at 11:00 p.m.*

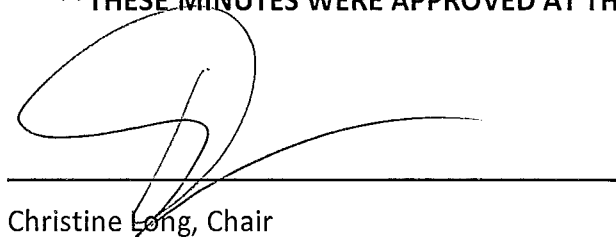
Respectfully submitted,



Stephanie Marrazzo,

Clerical Assistant

**\*\*THESE MINUTES WERE APPROVED AT THE PLANNING BOARD MEETING OF FEBRUARY 4, 2016**

  
Christine Long, Chair